

REMARKS

Claims 1-11, 13-17 and 19-32 were previously pending, of which claims 6, 11, and 14-15 have been canceled and claims 1-5, 7-10, 13, 16-17, and 19-32 have been amended. Reconsideration of presently pending claims 1-5, 7-10, 13, 16-17, and 19-32 is respectfully requested in light of the above amendments and the following remarks.

Rejections under 35 U.S.C. §101

Claims 1-11, 13-17 and 19-32 were rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. With respect to the claims as herein amended, this rejection is respectfully traversed. Claim 1 is directed to a system and claims a plurality of devices included in the system: an input/output device, a memory unit, a processor, and a display monitor. Thus, claim 1 falls within a statutory category (e.g, “machine”) and meets the requirements of §101. Claim 20 is directed to a computer readable medium. *See MPEP §2106.01 (“When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since the use of technology permits the function of the descriptive material to be realized.”)* Claim 32 is directed to a method. Claim 32, as amended, meets the requirements of *Bilski* as cited by the Examiner, in that it includes the step of “making the change in the fabrication process.” Thus, the Applicant kindly requests the rejections be withdrawn.

Rejections Under 35 U.S.C. §103

Claims 1-8, 12-15 and 20-27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Oppedahl et al (US Patent No. 6,789,092 hereinafter referred to as “Oppedahl”) in view of Yoshida et al (US Patent No. 6,212,518 hereinafter referred to as “Yoshida”). Claims 9-11 and 28-30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Oppedahl in view of Yoshida and in further view of Kuo (US Publication No. 2005/0021165 hereinafter referred to as “Kuo”). Claims 16-17, 19 and 31-32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Oppedahl in view of Yoshida and in further view of Mir (US Patent No. 6,938,081 hereinafter referred to as “Mir”). Applicant traverses these rejections on the grounds that the references are defective in establishing a *prima facie* case of obviousness with respect to the listed claims.

In *KSR Int'l. Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1739 (2007), the Court stated that “a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. Although common sense directs one to look with care at a patent application that claims as innovation the combination of two known devices according to their established functions, it can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does. This is so because inventions in most, if not all, instances rely upon building blocks long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known.” *Id.* at 1741 (emphasis added).

As the PTO recognizes in MPEP §2142:

... The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness...

In the present application, a *prima facie* case of obviousness does not exist for the claims as herein amended for the reasons set forth below.

1. The Examiner has not shown that all words in the claim have been considered

MPEP 2143.03 states that “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” Quoting *In re Wilson*, 424 F.2d 1382, 1385 (CCPA 1970). However, in the present matter, the Examiner has not shown that all words in the claim have been considered.

Claim 1 recites “quote claim.”

A system, the system comprising:

an input/output device coupled to a user interface configured to accept a predefined search scope and a predefined search scheme;

a memory unit including a plurality of process documents and a plurality of technology files;

a processor, wherein the processor includes:

an extraction module, responsive to the user interface, configured to search the plurality of process documents and the plurality of

technology files, wherein the extraction module determines at least one document within the predefined search scope the predefined search scheme, wherein the at least one document is one of the plurality of process documents or one of the plurality of technology files; and wherein the extraction module is further configured to determine a customer who has accessed the at least one document; and

an estimation module configured to analyze the information of the customer determined by the extraction module, and evaluate for an impact to the customer by a revision of the technology process; and

a display monitor operable to provide the impact to the customer to a user as a visual depiction.

The Examiner has asserted that Oppedahl discloses the relevant functionality of the extraction model and the estimation module. The Applicants respectfully disagree. With reference to claim 1, the Examiner cites only to col. 3, lns. 11-25 of Oppedahl. The portion is reproduced below for ease of reference.

The client 13 parses the record, thereby deriving received information of interest from the record. This is a nontrivial task, especially considering that the U.S. Postal Service or the U.S. Patent and Trademark Office may, without warning, change the format or syntax of its web page status reports, thus crippling the status monitoring software according to the invention. Parsed information is obtained from the HTTP response. For example, in the case of a trademark record, the parsing software extracts the filing data, the examining group, the expected publication date, the most recent status, and other information. In the case of a patent record, the parsing software extracts the examiner's name, the group art unit, the foreign priority data, the continuity data, and the most recent status, among other information.

Oppedahl at col. 3, lns. 10-25. As is clear from inspection of the passage above, the cited portion of Oppedahl is deficient in addressing a plurality of elements of the claim as amended. The Examiner has not shown how Oppedahl provides for (1) a memory unit including a plurality of process documents and a plurality of technology files. In contrast, the cited portions are directed to patent and trademark records held by the PTO. The Applicants' specification clearly describes "process documents" and "technology files" (see [0041]). It is beyond the broadest reasonable interpretation of the claims in light of the specification to assert that patent/trademark record provides the relevant functionality.

Furthermore the Examiner has not shown how Oppedahl provides for (2) the claimed element of “the extraction module is further configured to determine a customer who has accessed the at least one document.” There is no suggestion or even indication in the cited portions that Oppedahl has capability of determining one who accessed the patent/trademark record, even assuming that record provides the functionality of the technical documents claimed. It is noted that this information, the customer who has accessed the document, is not merely searched for, but used in further portions of the system. The Examiner is obligated to consider the claim as a whole.

Further still, the Examiner has not shown how Oppedahl provides for (3) “an estimation module configured to analyze the information of the customer determined by the extraction module, and evaluate for an impact to the customer by a revision of the technology process.” The Examiner asserts that the cited portion of Oppedahl provides for an estimation module in that it “discloses the system analyzing information by comparing the received information with corresponding information in the first and determines (i.e. evaluates) if there is any difference between the received information of interest, if so, notification is sent to the predetermined recipients.” Office action dated July 23, 2009 at pg. 4. The Applicants respectfully disagree that this reads upon the claimed limitation. Even if Oppedahl does provide the system for analyzing information as asserted by the Examiner, finding a difference between two documents and if finding so, sending a notification is clearly distinct from evaluating an impact on a customer of a revision to the technology process. In contrast to the claims, the cited portion of Oppedahl is directed to updating a file based on new information. *See* col. 2, ln. 65-col. 3, ln. 3. The only “evaluation” asserted by the Examiner is that if the received information is different than the stored information. There is no evaluation of an impact of a customer.

The Examiner does assert that Oppedahl does not provide a user interface, instead asserted that Yoshida provides the relevant functionality. Even assuming, arguendo, this to be true, Yoshida does not cure the deficiencies noted above.

Thus, for this independent reason alone, the Examiner’s burden of factually supporting a *prima facie* case of obviousness has clearly not been met, and the rejection under 35 U.S.C. §103 should be withdrawn.

2. *The Examiner has not shown how the elements being combined produce a predictable result*

MPEP 2143.01 (III) states that the “mere fact that references can be combined does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art.” In the present case, the Examiner has not expressed any reason why combine, for example, Oppedahl with Yoshida in the way the claimed would present a predictable result. The Examiner asserts “Therefore, from the teaching of Yoshida et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the status monitoring system of Oppedahl et al. to include an user interface as taught by Yoshida et al. in order to provide an efficient means to obtain relevant information stored in a system.” Office action dated July 23, 2009 at pg. 5. The Applicants respectfully submit that this “reason” for combination merely illustrates a clear use of hindsight.

Thus, for this reason alone, the Examiner’s burden of factually supporting a *prima facie* case of obviousness has clearly not been met, and the rejection under 35 U.S.C. §103 should be withdrawn.

Independent Claim 20

Claim 20 recites:

A computer readable medium, comprising computer readable instructions, that when executed by a processor, performing a method to evaluate an impact to a customer caused by a revision of a specific technology process in microelectronics manufacturing, the method comprising:

receiving a search scope from a user interface;

receiving a search scheme from the user interface;

searching, according to the search scope and the search scheme, a microelectronics fabrication design technical documents database that includes information related to the technology process to determine a customer impacted by the revision, wherein the determination of the customer impacted by the revision including determining the customer has accessed a document of the microelectronics fabrication design technical documents database; and

providing a search result to a user as a visual depiction of the search result using a display monitor.

Similar to as discussed above with reference to claim 1, the rejection of claim 20 is respectfully traversed.

Independent Claim 32

Claim 32 recites:

A method to evaluate an impact to a customer caused by a revision of a specific technology process in microelectronics manufacturing, the method comprising:

- specifying a change of process wherein the change of process is associated with a change to the fabrication of a semiconductor product and wherein the change impacts a parameter of a technical document;
- verifying validity of the change of process according to a set of predefined rules;
- providing a search scope;
- providing a search scheme;
- implementing a search of a plurality of microelectronics fabrication design databases according to the search scope and the search scheme;
- determining an impact to a customer based on the search of the plurality of microelectronic fabrication design databases; and
- making the change in the fabrication process.

The rejection of claim 32 is in light of Oppedahl, Yoshida, and in further view of Mir. Similar to as discussed above with reference to claim 1, Oppedahl and Yoshida do not provide the relevant functionality including “determining an impact to a customer based on the search of the plurality of microelectronic fabrication design databases.” The cited portion of Mir does not cure this deficiency, nor does the Examiner contend it does so. Thus, the rejection of claim 32 is respectfully traversed.

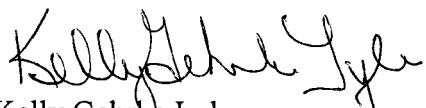
Dependent Claims 2-5, 7-10, 13, 16-17, 19, and 21-31

Dependent claims 2-5, 7-10, 13, 16-17, 19 and 21-31 depend from and further limit independent claims 1 and 20 and therefore are deemed to be patentable over the prior art.

CONCLUSION

An early formal notice of allowance of claims 1-5, 7-10, 13, 16-17, and 19-32 is requested. A personal or telephonic interview is respectfully requested to discuss any remaining issues in an effort to expedite the allowance of this application.

Respectfully submitted,


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